



AGENDA

TRINITY CITY PLANNING & ZONING BOARD MEETING

February 28, 2006
7:00 pm

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Approval of Minutes
January 24, 2006 (Regular Meeting)
5. Public Comments Section
6. Special Intensity Allocation (tentative)
Colonial Village – Commercial Development
 - (a) Lot# 100
 - (b) Lot# 96
7. Agricultural Uses (continued)
8. Comments from the Board
9. Comments from Staff
10. Adjourn



TRINITY CITY PLANNING & ZONING BOARD MEETING

**Tuesday, February 28, 2006
7:00 pm**

The Trinity Planning Board held their February 28, 2006 Regular Planning and Zoning Board Meeting at Trinity City Hall. A quorum was present.

PLANNING BOARD MEMBERS PRESENT: Chairman, Robbie Sikes; Planning Members, Linda Gantt, Vernel Gibson, Buddy Maness, Scott Norman, and Melvin Patterson.

PLANNING BOARD MEMBERS ABSENT: Planning Member, J.R. Ewings.

OTHERS PRESENT: Mayor, Fran Andrews; Planning/Zoning Administrator and Code Enforcement Officer, Adam Stumb; City Clerk/FO Debbie Hinson; Council Liaison, Karen Bridges; and other interested parties.

ITEM 1. Call to Order

Chairman Sikes called the February 28, 2006 Meeting to order at 7:00 p.m. and welcomed those in attendance.

ITEM 2. Pledge of Allegiance

Chairman Sikes led the Pledge of Allegiance.

ITEM 3 Invocation

Planning Board member Vernel Gibson gave the invocation.

ITEM 4. Approval of Minutes (January 24, 2006) Regular Meeting

Chairman Sikes called for any changes or corrections to the January 24, 2006 Minutes.

Correction: Member Gantt asked that a correction of the meeting place be made from Trinity Memorial United Methodist Church to Trinity City Hall.

With no other changes, Chairman Sikes called for a motion to approve the January 24, 2006 minutes.

Planning Member Gibson made a motion to approve the minutes as written with noted changes as requested by Planning Member Gantt, seconded by Planning member Maness and approved unanimously by all Planning members present.

ITEM 5. Public Comments Section **None**

ITEM 6 Special Intensity Allocation (tentative)
Colonial Village – Commercial Development
(a) Lot# 100
(b) Lot# 96

After opening this item, Chairman Sikes turned the discussion over to Mr. Stumb.

Mr. Stumb advised members that the applicant making the request for Lot #96 was unable to get their site plan completed in time to be included at this meeting. No action will be needed for this item tonight. Mr. Stumb and members discussed the type of businesses that might be located on this lot. Mr. Stumb advised members the applicant had discussed Flex Space. It is along the lines of a strip center. It will one (1) building and will contain 4 to 5 units within the one (1) building. The tenant will be able to lease the amount of space needed within the same building.

The applicant for Lot 100 is proposing a Standing Subway at this location. Members asked if the applicant planned to use the entire lot and if the building would be brick. Mr. Stumb advised members he did not know if the applicant would propose a brick building but the proposed size of the building will take up approximately 55 percent of the lot in impervious surface. The subway will be located on Lot 100. Members discussed the residential sites located near lot 96 and if there would be shrubbery to block the view between the two. Mr. Stumb advised members there would be a row of shrubbery installed at this site. The site that you are considering tonight (Lot 100) will have a row of shrubbery at the rear of the property. Mr. Stumb and members discussed where the parking would be located for this request. Mr. Stumb advised members that at some point there would be a turning lane into this site. The parking will be located on the front and along the side of the building. Ingress to this property will made from Unity Street. If they build according to this plan there will be connection between the lots.

Mr. Stumb advised members the request they were considering was to approve the extra impervious surface requested for this site. The automatic amount guaranteed is 24 percent; however, this applicant needs 55 ½ percent. Staff is recommending that they be granted an amount not to exceed 60 percent with a 2 year limit on this amount. We did not feel they needed the maximum allotment of 70 percent.

There was a discussion concerning the types of uses that had been discussed for the other properties in this area. Mr. Stumb and members discussed the possible types of development the applicant may seek for lot 96. Mr. Stumb advised members the applicant had discussed office and retail. He also advised members the applicant for Lot 96 would probably come before the board to request extra allocation as well. There was discussion between members and Mr. Stumb concerning the type of information that would be required from the applicant if they requested additional allocation. Mr. Stumb advised members that the applicant would need to bring something similar to the information that was provided tonight for lot 100. It will need to show impervious surface use. The buffers are included in the zoning. Chairman Sikes stated that the buffers were already approved and are listed in the Zoning placed on the property.

Member Norman made a motion to approve item (a) lot 100 only, excluding (b) lot 96. The motion was seconded by member Maness and approved unanimously by all members present.

ITEM 7. Agricultural Uses (continued)

Chairman Sikes opened this item and turned the discussion over to Mr. Stumb for briefing.

Mr. Stumb advised members this topic came up earlier concerning a resident with a lot just over one (1) acre in size who had a horse located on the property. We have another similar problem where the individual owns approximately two (2) acres and the property is zoned RA (residential agriculture). There is no language in our Ordinance that would prevent them from having a horse or any other livestock such as cows, sheep, lama, or pigs at that property. We took some of the concerns that were brought up at the last meeting and discussed agriculture uses. The changes we recommend for Agricultural Uses-Livestock include **an area of five (5) acres required for pasture area. Any area designated as pasture area must be used strictly for this purpose; no other building except those used for the care of livestock may be**

located in the pasture area. Appropriate fencing shall be required to contain the livestock and must adhere to the minimum setbacks for the zoning district in which the property is located. A zoning permit shall be required for the construction of fencing associated with the pasture. All livestock shall be maintained in accordance with the City of Trinity Animal Control Ordinance.

The other changes concern the definitions of Agriculture Uses. We have broken down these uses into two (2) categories as follows:

Field Crops- This board discussed this at their last meeting concerning where to allow field crops and made the decision to allow field crops in all zoning district. **The use for the growing and/or production of field crops, for the production of income including but not limited to barley, soy beans, corn, hay, oats, potatoes, rye sorghum, and sunflowers.**

Livestock- This would be allowed only in the RA (residential agriculture) zoning districts. **The keeping of livestock for commercial, recreational, or other uses. For the use of this Ordinance livestock shall include dairy and beef cattle, goats, horses, sheep. Hog, poultry, game birds and other animals including ponies, deer, rabbits, mink, and other animals. Agricultural use- livestock shall all include livestock production including milk, butter, cheese, eggs, meat, fur and honey.**

Mr. Stumb reviewed the RA setbacks with a minimum front yard setback of 40, minimum side yard setback 10 and minimum rear setback of 25 as well the change that addressed making the RA Zoning districts more residential than agriculture. Currently the zoning for this district is almost identical to R40. The change as reflected is to make the minimum lot size 5 acres.

Mr. Stumb discussed the map enclosed in the packet that reflected the areas where livestock would be permitted, as well as areas that prohibited livestock. The areas where livestock is not permitted are areas that are not zoned RA or the lots are 5 acres or less. The goal is to target and protect the established residential neighborhoods.

Members and Mr. Stumb discussed the grandfather clause. Mr. Stumb advised members there were two (2) ways this could be addressed. The city could grandfather everything that is here. The other would be to find anything that is non-conforming and prohibit it. It would be handled similar to a junk car. If it is currently located in a district that prohibits this use then it would be in violation of the Ordinance. There was discussion between members concerning the options. Member Gibson stated that anything that was here before the city was incorporated would be grandfathered. Member Maness asked if someone could lease property from a neighbor to make the 5 acre requirement if they only had 2 acres. Mr. Stumb advised members that this change did not specify the person with the livestock must own the property. Anyone that plans on putting a cow, horse, or livestock on their property must come in for a zoning permit. At that time they would have to show that they owned 5 acres at that site or produce a lease agreement for additional property that would meet the 5 acre requirement. If the lease was dropped and the minimum acreage not met the owner would then be in violation and the livestock would have to be removed from the property.

There was discussion among members and Mr. Stumb concerning where and how to apply these changes. Questions discussed were if the City should take into consideration where the property was located, how the smell of livestock affected the neighbors in the area, the stipulation of requiring 5 acres in addition to the residence location, how the 5 acre (number was chosen), and how restrictions in newer subdivisions prohibited this issue. Mr. Stumb advised members that he compiled information from other areas concerning the amount of property required for livestock. The amounts ranged from a one (1) acre to a five (5) acre tract. Members discussed the amount of property they felt would be needed to properly maintain and care for livestock or horses.

Members asked if these restrictions would be applied in the entire RA District. Mr. Stumb advised members that the change would allow livestock in the RA District and would be prohibited in all other districts. There was further discussion concerning the 5 acre requirement and if it should include the residence or read as written for 5 acres in addition to the property that the residency was located on.

Member Patterson asked Mr. Stumb if dogs were defined as other animals. He discussed problems that had occurred in his neighborhood concerning dogs. Mr. Stumb discussed how dogs could be addressed in the Animal Control Ordinance possibly by limiting the square footage needed for animals. There was further discussion between members concerning the need to address problems that had arisen concerning dogs such as kennel runs, and operating a boarding kennel or raising and selling dogs in a residential neighborhood. Members also discussed the need to establish something in the Animal Control Ordinance that addressed a vicious dog such as a Vicious Dog Ordinance that could be used in an effort to help protect our residents and neighborhoods from this type of animals. After further discussion, Mr. Stumb advised members that he would do some research and report to members his findings for possible solutions.

At this time, Member Patterson made a motion to incorporate the changes as stated under Agricultural Uses for livestock to require an area of 5 acres for pasture in addition to any residence, seconded by member Maness, and approved 4 to 2 with Chairman Sikes and member Gantt voting Nay.

ITEM 8. Comments from the Board

Members asked Mr. Stumb to check the possibility of getting an Animal Control officer to come in and discuss ways to improve the Animal Control Ordinance for the city with this Board. Mr. Stumb advised members he would get this process started.

Member Patterson

Member Patterson discussed a statement he received from his insurance company regarding an increase in his premium. They advised me that they had the Fair Grove department rated as a 9. I made contact with the Fair Grove Chief and he advised me that their rating was a 6 and a 9 rating where there are no hydrants. He advised members that he was in the process of working with his insurance company and the Fair Grove Department in an effort to get this issue resolved.

Member Gantt

Member Gantt asked what the status was concerning building standards and if there was anything that would eliminate metal buildings. Where are we at with the Proposed Overlay District?

Member Patterson discussed the recommendation from the Planning Board to Council. During review, Council decided not to discuss this proposal at this time.

Mr. Stumb advised members that an Overlay addressed particular Thoroughfares. The only other way to address something as discussed by Member Gantt would be to address it in a Zoning District, however this would apply to the entire city and to the entire Zoning District not just a defined portion.

ITEM 9. Comments from Staff

Mr. Stumb advised members that the Amendments approved by Council at their last meeting had been placed at their seats and advised members to add these sheets to their notebooks.

He also advised members that they would be involved in a Rezoning and 2 Special Use Permits for the two (2) Fire Stations (Fair Grove and Guil-Rand).

ITEM 10. Adjourn

With no other business to discuss, Chairman Sikes called for a motion to adjourn the Tuesday, February 28, 2006 Regular Meeting of the Trinity Planning and Zoning Board.

Motion by Member Maness to adjourn the February 28, 2006 Regular Meeting of the Trinity Planning/Zoning Board, seconded by member Norman and approved unanimously by all members present.

These minutes were approved as written by the Trinity Planning/Zoning Board at their Regularly Scheduled Meeting held on March 28, 2006 upon motion by Planning Member Maness, seconded by Planning Member Ewings and approved unanimously by all Planning Members present.

Debbie Hinson, City Clerk

Robbie Sikes, Chairman

Date

Date